

REMARKS

Initially, is it noted that this Preliminary Amendment is in the newly approved revised format of amendments, such that a complete listing of claims is included and each section begins on a separate page of this paper.

The present divisional application includes original Claims 1-10 of the parent application, as well as additional new Claims 11-13. It is noted that new Claims 11-13 of the present divisional application differ from the allowed Claims 11-13 of the parent application because they recite a different rubber content and particle size for the impact modifier. New Claims 11-13 of the present divisional application were given numbers 11-13 based upon the following circumstances.

After the parent application (U.S. Serial No. 09/740,140, filed December 20, 2000) was filed as a non-provisional application in the United States Patent and Trademark Office, new Claims 11-13 (which are different from the foregoing new Claims 11-13) were added by way of a Preliminary Amendment. Subsequently, pursuant to a restriction requirement by the Examiner in the parent application, new Claims 11-13 were elected for further prosecution and, after amendment and argument, were eventually allowed. Thereafter, original Claims 1-10 were cancelled from the parent application. Thus, although they are fully supported by the as-filed specification, allowed Claims 11-13 of the parent application were not part of the parent application as filed and the new claims added to the present divisional application begin with new Claim 11.

Lastly, it is noted that, by the foregoing amendments, the specification of the present divisional application has been amended to include the required cross-

reference to related applications, whereby the present divisional application claims priority benefit from the non-provisional parent application under 35 U.S.C. § 120, as well as from the provisional application relied upon by the parent application under 35 U.S.C. § 119(e).

In view of the foregoing remarks and explanation, it is believed that no new matter has been introduced into the present application by the foregoing amendments.

Accordingly, early and favorable action on the present application is hereby requested.

Respectfully submitted,



Marcella M. Bodner  
Attorney for Applicants  
Registration No. 46,561  
Telephone: (215) 592-3025

Date: July 24, 2003  
ROHM AND HAAS COMPANY  
100 Independence Mall West  
Philadelphia, PA 19106-2399